



STATE OF WASHINGTON

HUMAN RIGHTS COMMISSION

711 South Capitol Way, Suite 402 • PO Box 42490 • Olympia, Washington 98504-2490
(360) 753-6770 • 1-800-233-3247 • FAX (360) 586-2282
<http://www.wa.gov/hrc>

June 4, 2007

Shawn Ebley, Pacific Region FIU Director
Office of Intelligence
Immigration and Customs Enforcement
Department of Homeland Security
Pacific Unit
P.O. Box 32789
Long Beach, CA 90832

Dear Mr. Ebley:

I am writing to express concerns about a recent Immigration and Customs Enforcement (ICE) operation that occurred in Shelton, Washington on May 31, 2007. As we understand it, 16 individuals from Mexico and Guatemala were taken into federal custody. The ICE operation occurred one week after a public forum hosted by the Washington State Human Rights Commission (WSHRC).

The WSHRC enforces the Washington Law Against Discrimination (WLAD). The WLAD prohibits discrimination in employment (employers with eight or more employees), housing, places of public accommodation, and credit and insurance transactions, on the basis of race, color, creed, national origin, sex, sexual orientation including gender identity, marital status, age (over 40), the presence of any sensory, mental, or physical disability, the use of a trained dog guide or service animal by a person with a disability, retaliation for opposing an unfair practice, filing a whistleblower complaint with the Washington State Auditor, or filing a nursing home abuse complaint. RCW 49.60.

The WSHRC hosts public forums around the state to better understand civil rights issues facing local communities. We chose Shelton as the site for our May forum because of recent issues we have been told about regarding national origin discrimination and profiling. The WSHRC publicized the forum as a listening session in which elected officials, community leaders, and

community members were invited to discuss civil rights concerns and issues in the Mason County area.

The event was well-attended with representation from many communities. At least one attendee alleged that he suffered housing discrimination from his landlord at his apartment complex. This particular speaker signed in as someone who lived at the 2020 Adams St. apartment complex in Shelton, WA that ICE raided a week later. While we do not know the exact details of the ICE operation, the media reported that ICE conducted the raid as part of a long-term investigation of a few tenants who were undocumented and had criminal records. We also have been told that the operation was conducted just weeks after salal harvesting season was over.

Attendees at the WSHRC forum were invited to sign in. According to our records, no one from ICE or any other federal agency signed in. At no point during the forum were people asked to disclose their immigration status. We have since been told that many people in Shelton's Hispanic community fear that the WSHRC was somehow involved in or a party to the ICE operation. The WSHRC is making every effort to clarify that ICE and the WSHRC are separate entities and did not collaborate in any way on this raid. If ICE conducted the operation as a result of a person exercising his rights under the WLAD, such an act would be of serious concern to us, and could raise issues of running at cross purposes with state and federal laws, including Constitutional protections for free speech. We make no attempt in this letter to interfere with ICE's role in enforcing federal immigration law.

The WSHRC is concerned about the chilling affect the raid may have on those who speak out about discrimination. Our credibility depends in large part on our ability learn about discrimination from all kinds of people. The WSHRC enforces the broadest civil rights statute in the country. The WLAD clearly prohibits retaliation against persons who oppose discrimination. Under the WLAD, "It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter." RCW 49.60.210.

In addition, the federal Fair Housing Act prohibits discrimination based on national origin. The Act also prohibits actions that "by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with— (a) any person because of his race, color, religion, sex, handicap, familial, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or (b) any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from— (1) participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in subsection." 42 U.S.C. § 3604.

Any information you could share with the WSHRC on this matter would be greatly appreciated and would help us be better informed as we discuss the issue with our stakeholders. I can be contacted at 360-753-2558, on my cell phone at 360-791-3701, or by email at mbrenman@hum.wa.gov. Thank you for your consideration of these concerns.

Sincerely,

Marc Brenman
Executive Director